

REMARKS/ARGUMENTS:

Applicant respectfully request reconsideration of the present application in view of the claim amendments set forth above the remarks below.

Pending claims 1-13 are rejected.

Applicant thanks the Examiner for the courtesy extended to the undersigned during a telephone interview on May 24, 2005. During the interview, it was agreed that amending claim 1 to specify that the identified files contain “changed and unchanged blocks” and clarifying that an “incremental” back up is performed distinguishes the invention over the art of record.

The Prior Art Rejections

The Examiner rejects claims 1-13 under 35 U.S.C. §103 over U.S. Patent No. 5,720,026 to Uemura et al in view of Levy et al, *Incremental Recovery in Main Memory Database Systems*.

As discussed during the interview, Uemura is limited to block-based back ups. For example at col. 2, line 21-22, Uemura teaches that “an object of the invention is to provide an incremental backup system which can back up *only* updated block on disk.” (emphasis added). In contrast, the claimed invention requires a method for incrementally backing up data including *identifying tracks* of the logically represented volume that have changed since a last incremental backup operation by reading fresh data indications, *identifying files* for *incremental* backup, the identified files comprising changed and unchanged blocks saved on a track deemed changed since a last incremental backup operation, and incrementally backing up the identified files from the disk media to sequential storage media through a high speed connection.

During the interview, Levy was also discussed. Applicant pointed out that the data recovery for database consistency is different than incremental back up.

In view of the above, it was agreed that claim 1 as amended is patentably distinguishable over the references of record. Claim 6 is amended in a manner similar to claim 1. For at least the same reasons discussed in conjunction with claim 1, claims 2-13 are also distinguishable.

Accordingly, Applicant respectfully requests a notice of allowance for claims 1-13.

The Examiner is respectfully invited to telephone the undersigning attorney if there are any questions regarding this Amendment or this application.

Applicant does not acquiesce to any assertion made by the Examiner not specifically addressed herein.

The Assistant Commissioner is hereby authorized to charge payment of any additional fees associated with this communication or credit any overpayment to Deposit Account No. 500845.

Dated: 2 Jun 05

Respectfully submitted,

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